

### REMARKS

Applicants have carefully reviewed this Application in light of the Office Action mailed December 19, 2008 and Advisory Action mailed March 11, 2009. Claims 10-21 are pending in this Application and Claims 10-21 stand rejected under 35 U.S.C. § 103(a). Claims 1-9 were previously canceled without prejudice or disclaimer. Claims 10 and 15 are herein amended, and new dependent Claims 22 and 23 are added. Applicants respectfully request reconsideration and favorable action in this case.

#### **Rejections under 35 U.S.C. § 103**

Claims 10-11 and 13-19 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent 5,950,167 issued to Rhoda Yaker (“*Yaker*”).

Claim 12 stands rejected under 35 U.S.C. §103(a) as being unpatentable over *Yaker* as applied to Claim 10 above, and further in view of U.S. Patent 6,345,253 issued to Mahesh Viswanathan (“*Viswanathan*”).

Claims 20-21 stand rejected under 35 U.S.C. §103(a) as being unpatentable over *Yaker* as applied to Claim 17 above, and further in view of U.S. Patent 6,434,523 issued to Peter C. Monaco (“*Monaco*”).

Applicants respectfully traverse and submit the cited art combinations, even if proper, which Applicants do not concede, does not render the claimed embodiment of the invention obvious.

In order to establish a prima facie case of obviousness, the references cited by the Examiner must disclose all claimed limitations. *In re Royka*, 490 F.2d 981, 180 U.S.P.Q. 580 (C.C.P.A. 1974). Even if each limitation is disclosed in a combination of references, however, a claim composed of several elements is not proved obvious merely by demonstrating that each of its elements was, independently, known in the prior art. *KSR Int’l. Co. v. Teleflex Inc.*, 127 S.Ct. 1727, 1741 (2007). Rather, the Examiner must identify an apparent reason to combine the known elements in the fashion claimed. *Id.* “Rejections on obviousness grounds cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal

conclusion of obviousness.” *Id.*, citing *In re Kahn*, 441 F.3d 977, 988 (Fed. Cir. 2006). Finally, the reason must be free of the distortion caused by hindsight bias and may not rely on ex post reasoning. *KSR*, 127 S.Ct. at 1742. In addition, evidence that such a combination was uniquely challenging or difficult tends to show that a claim was not obvious. *Leapfrog Enterprises, Inc. v. Fisher-Price, Inc. and Mattel, Inc.*, 485 F.3d 1157, 1162 (Fed. Cir. 2007), citing *KSR*, 127 S.Ct. at 1741.

Applicants respectfully submit that the cited references, either alone or in combination, do not recite each and every element of the claimed subject matter, and thus cannot render obvious Claims 10-21 as amended.

Applicants have previously argued that *Yaker* fails to disclose storing a *link* (e.g., shortcut) to each program and file, wherein the link forms part of the vocabulary of the voice recognition apparatus. In response, the Examiner argues that the recited term “link” should be interpreted broadly to encompass more than shortcuts, for example to include program or file names.

Although Applicants do not necessarily agree with the Examiner on this issue, Applicants have amended the independent claims to clearly distinguish from *Yaker*. For example, amended Claim 10 recites in part:

a file directory configured to store a link to each program and file of the plurality of programs and other files, each link comprising a shortcut pointer to a corresponding one of the plurality of programs and other files, each link having a name separate from the name of that link’s corresponding program or other file such that the name of each link can be modified independent of the name of that link’s corresponding program or other file, wherein the names of the links form a first active partial vocabulary of the voice recognition apparatus.

Amended Claim 15 recites similar limitations. Thus, the independent claims now explicitly recite that each link is a shortcut pointer to a program or file, and that each link name is separate from the that link’s corresponding program/file name such that link names can be modified independent of their corresponding program/file names. Thus, links clearly cannot be equated with program or file names. Accordingly, *Yaker* clearly does not teach

these features of amended Claims 10 and 15, because *Yaker* teaches the voice activation of programs or files based on the voice recognition of program/file names themselves, rather than based on the name of a link that points to such programs or files.

For at least these reasons, *Yaker* does not teach, disclose or suggest each and every element of Claim 10, and therefore, cannot render obvious Claim 10. For analogous reasons, *Yaker* does not teach, disclose or suggest each and every element of Claim 15, and therefore, cannot render obvious Claim 15. Given that Claims 11-14 and 22 depend from Claim 10, and Claims 16-21 and 23 depend from Claim 15, Applicants submit that Claims 11-14 and 16-23 are also allowable.

**Association of Customer Number and Change of Correspondence Address**

Applicants respectfully request that all papers pertaining to the above-captioned patent application be associated with Customer No. **86528**, and direct all correspondence pertaining to this patent application to practitioners at Customer Number **86528**. All telephone calls should be directed to Eric M. Grabski at 512.457.2030. A Revocation and Power of Attorney will be submitted shortly.

### CONCLUSION

Applicants have made an earnest effort to place this case in condition for allowance in light of the remarks set forth above. Applicants respectfully request reconsideration of the pending claims.

Applicants enclose a Request for Continued Examination and authorize the Commissioner to charge \$810.00 to Deposit Account No. 50-4871 of King & Spalding LLP. Applicants believe no additional fees are due; however, should the Commissioner deem that any additional fees are due, including any fees for any additional extensions of time, the Commissioner is hereby authorized to debit such fees from deposit account number 50-4871, reference 071308.1104.

If there are any matters concerning this Application that may be cleared up in a telephone conversation, please contact Applicants' attorney at 512-457-2030.

Respectfully submitted,  
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Date: March 19, 2009

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